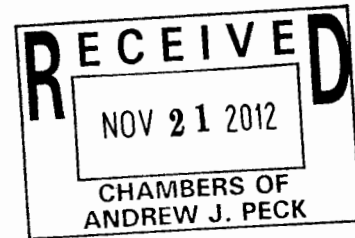


**SULLIVAN &
WORCESTER**

Sullivan & Worcester LLP
1633 Broadway
New York, NY 10019

T 212 660 3000
F 212 660 3001
www.sandw.com

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November 21, 2012

By Facsimile

Hon. Andrew J. Peck,
United States Magistrate Judge
United States District Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: RCH Brands, LLC v. Cognac Brisset-Aurige S.A.R.L., 12 Civ. 1369 (BSJ) (AJP)

Dear Judge Peck:

This letter is written pursuant to the Court's request at the conference last Friday, November 16. Unfortunately the parties are no closer to a resolution than they were at the end of the Conference. The parties also are unable to agree with regard to alternative dispute resolution or the Court's offer of a one-day bench trial. Accordingly, although the parties will continue to try and settle the matter, we will need to proceed on the assumption that the matter will require a jury trial (to the extent that any claim, counter-claim, or defense has the right to be tried to a jury). In light of the foregoing, we would like to propose that the dates in the Pre-Trial Order be adjusted as follows:

1. Amended pleadings due November 30;
2. Responses, if any, to amended pleadings, due December 10;
3. Expert reports due December 28;
4. Discovery, including expert discovery, completed by January 11, 2013;
5. Notice of intent to file a summary judgment motion due January 18; and
6. Summary judgment motions or, if none, Proposed Pre-Trial Order due February 1.

MEMO ENDORSED *11/26/12*

*1. Above schedule approved. Parties to interview and arbitrate.
2. Counsel to contact by dates if New way dispute or settlement.*

(NO327878; 2)

SO ORDERED:

BY ECF

Hon. Andrew Jay Peck
United States Magistrate Judge

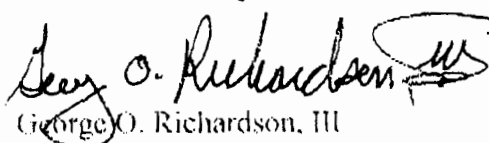
Hon. Andrew J. Peck,
United States Magistrate Judge
November 21, 2012
Page 2

Again, we would like to thank the Court for its time and effort in connection with the settlement conference.

Respectfully submitted,



Ronald L. Paltrowitz
Attorney for Plaintiff



George O. Richardson, III
Attorney for Defendant

ECF TRANSCRIPTION SHEET



ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: ber 26 2 12

Total Number of Pages: 3

TRANSCRIPTION OF MEMO ENDORSED ORDER

1. Above schedule approved. Further extensions are unlikely.
2. Counsel are to contact my chambers if there are any disputes, or re settlement.

Copies to: All Counsel
Judge Barbara S. Jones